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RAUSTARK

The Story of a Love Behind

a Throne. By GEORGE BARR M'CUTCHEON

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Synopsis of First Chapter.

Chapter L.-Grenfal Lorry, a young man of express at Denver. He expects a tedious trip, but finds a mysterious and beautiful young woman on the train who interests him and is evidently a foreigner. He is unable to learn anything about her. The train is stopped through an accident to the engine, and the mysteriou young woman is left behind when it resumes its ourney. Mr. Lorry voluntarily stays also, though he pretends that it was an accident.

CHAPTER II.

Two Strangers in a Coach.

Lorry wasted very little time. He dashed into the depot and up to the operator's window.

"P-," leisurely answered the agent, detected liquor on the man's breath as he

in some surprise. "How far is it?"

"Four miles." "Telegraph ahead and hold the train that

just left here." "The train don't stop there."

"It's got to stop there-or there'll be more trouble than this road has had since it began business. The conductor pulled out and | liciously left two of his passengers-gave out wrong information, and he'll have to hold his train there or bring her back here. If you don't send that order I'll report you as well as the conductor." Grenfall's manner was commanding. The agent's impression was that he was important-that he had a right to give orders. But he hesitated.

"There's no way for you to get to Pover in his mind.

"You stop that train! I'll get there inside them to hold her-or there'll be an order from headquarters for some ninety-day layto his instrument, and the message went forward. Lorry rushed out. On the platform he nearly ran over the hurrying figure in

"Pardon me. I'll explain things in a mintroubled eyes blinked with astonishment. At the end of the platform stood a mountain coach, along the sides of which was printed in yellow letters: "Happy Springs." The driver was climbing up to his seat and the cumbersome trap was empty.

"Want to make ten dollars?" cried Gren-

"What say?" demanded the driver, half . falling to the ground. "Get me to P--- inside of twenty min-

utes, and I'll give you ten dollars, Hurry "Yes, but, you see, I'm hired to-"

"Oh, that's all right! You'll never make money easier. Can' you get us there in

"It's four mile, pardner, and not very er kill old Hip and Jim. Miss the train?" "Get yourself ready for a race with an express train and don't ask questions, Kill 'em both if you have to. I'll be back in a

Back to the station he tore. She was standing near the door, looking up the track miserably. Already night was falling. Men were lighting the switch lanterns and the mountains were turning into great dark

"Come quickly: I have a wagon out here." fairly shoved through the open door of the odd-looking coach. He was beside her on the seat in an instant, and her bewildered

ears heard him say: "Drive like the very deuce!" Then the door slammed, the driver clattered up to his | dued. seat and the horses were off with a rush.

"Where are we going?" she demanded,

sitting very straight and defiant. "After that train. I'll tell you all about it when I get my breath. This is to be the quickest escape from a dilemma on recordproviding it is an escape." By this time they | arm press his a little tighter, and there was were bumping along the flinty road at a lively rate, jolting about on the seat in a most disconcerting manner. After a few long, deep breaths he told her how the ride | wide with something more than terror. in the Springs hack had been conceived and of the arrangement he had made with the dispatcher. He furthermore acquainted | porter who said some one gave it to him her with the cause of his being left when he and told him to have a 'high time' with it.' might have caught the train.

"Just as I reached the track, out of breath but rejoicing, I remembered having | time," she said, after a moment. He would seen you on that side street, and knew that you would be left. It would have face at that instant been heartless to leave you here without protection, so I felt it my duty to let the go to Europe in order to follow the injunctrain go and help you out of a very ugly tion of the donor. As I am more likely to predicament.

"How can I ever repay you?" she murmured. "It was so good and so thoughtful time." of you. Oh, I should have died had I been left here alone. Do you not think my uncle will miss me and have the train sent back?"

"That's so!" he exclaimed, somewhat disconcerted. "But I don't know, either. He may not miss you for a long time, thinking you are in some other car, you know. That

could easily happen," triumphantly. "Can this man get us to the next station in time?" she questioned, looking at the black mountains and the dense foliage. It

was now quite dark. "If he doesn't bump us to death before we are you so curious about it?" get half way there. He's driving like the

wind."

"You must let me pay half his bill," she said, decidedly, from the dark corner in which she was huddling.

He could find no response to this peremp-

"The road is growing rougher. If you will allow me to make a suggestion, I think you will see its wisdom. You can escape a great deal of ugly jostling if you will take hold of my arm and cling to it tightly. I will brace myself with this strap. I am sure it

will save you many hard bumps." Without a word she moved to his side and she said, coldly, drawing away, only to be wound her strong little arm about his big lurched back again. In spite of herself she

"I had thought of that," she said simply. "Thank you." Then, after a moment, while his heart thumped madly: "Had it occurred to you that after you ran so hard you might have climbed aboard the train and ordered the conductor to stop it for me?" "I-I never thought of that!" he cried,

"Please do not think me ungrateful. You have been very good to me, a stranger. One often thinks afterward of things one might | side of two hours after I first entered the have done, don't you know? You did the | car.' noblest when you inconvenienced yourself for me. What trouble I have made for you." She said this so prettily that he came gaily from the despondency into which her shrewdness, bordering on criticism, had thrown him. He knew perfectly well that she was questioning his judgment and pres-

"It has been no trouble," he floundered. "An adventure like this is worth no end ofer-inconvenience, as you call it. I'm sure I must have lost my head completely, and I I could have saved you had I been possessed of an ounce of brains!"

"Hugh! I will not allow you to say that.

when I certainly am not. Ach, how he is driving! Do you think it dangerous?" she wealth and a traveler, boards the east-bound cried, as the hack gave two or three wild lurches, throwing him into the corner, and

the girl half upon him. "Not in the least," he gasped, the breath knocked out of his body. Just the same, he was very much alarmed. It was as dark as pitch outside and in, and he could not help wondering how near the edge of the mountain side they were running. A false move of the flying horses and they might go rolling to the bottom of the ravine, hundreds of feet below. Still, he must not let her see his apprehension. "This fellow is considered "What's the nearest station east of the best driver in the mountains," he prevaricated. Just then he remembered having

> closed the door behind him. Perhaps he was "Do you know him?" questioned the clear volce, her lips close to his ear, her warm

> body pressing against his. "Perfectly. He is no other than Lighthorse Jerry, the king of stage drivers." In the darkness he smiled to himself ma-

"Oh, then, we need feel no alarm," she sald, reassured, not knowing that Jerry existed only in the yellow-backed novel her informant had read when a boy.

There was such a roaring and clattering that conversation became almost impossible. When either spoke it was with the mouth close to the ear of the other. At such times Grenfall could feel her breath any way," he said, while turning the matter on his cheek. Her sweet voice went tingling to his toes with every word she uttered. He was in a daze, out of which sung the mad of twenty minutes. Now, be quick! Wire | wish that he might clasp her in his arms. kiss her, and then go tumbling down the mountain. She trembled in the next fierce lurches, but gave forth no complaint. He

Unable to resist, he released the strap to which he had clung so grimly, and placed his strong, firm hand encouragingly over ute," he gasped, and dashed away. Her the little one that gripped his arm with the clutch of death. It was very dark and very

"Oh!" she cried, as his hand clasped hers.

"You must hold to the strap." "It is broken!" he lied, gladly, "There is no danger. See! My hand does not tremble, does it? Be calm. It cannot be much

"Will it not be dreadful if the conductor refuses to stop?" she cried, her hand resting calmly beneath its protector. He detected a tone of security in her voice. "But he will stop! Your uncle will see to

that, even if the operator fails." "My uncle will kill him if he does not stop or come back for me," she said, com-

"I was not wrong," thought Grenfall; "he good road, either. Pile in, and we'll make it looks like a duelist. Who the devil are they, anyhow?" Then aloud: "At this rate we'd be able to beat the train to Washington in a straight-away race. Isn't it a delightfully wild ride?"

"I have acquired a great deal of knowledge in America, but this is the first time I have heard your definition of delight. agree that it is wild."

For some moments there was silence in the noisy conveyance. Outside, the crack of the driver's whip, his hoarse cries, and the nerve-destroying crash of the wheels pro-Resistlessly she was hurried along and duced impressions of a mighty storm rather than of peace and pleasure.

"I am curious to know where you obtained the coin you lost in the car yesterday," she said at last, as if relieving her mind of a question that had been long sub-

"The one you so kindly found for me?" he asked, procrastinatingly.

"Yes. They are certainly rare in this "I never saw a coin like it until after I had seen you," he confessed. He felt her a quick movement of her head which told him, dark as it was, that she was trying to

see his face and that her blue eyes were "I do not understand," she exclaimed, "I obtained the coin from a sleeping-car

he explained in her ear. "He evidently did not care for the 'high have given a fortune for one glimpse of her

"I think he said it would be necessary to go to Europe than he, I relieved him of the

necessity and bought his right to a 'high There was a long pause, during which she

attempted to withdraw herself from his side, her little fingers struggling timidly beneath the big ones. "Are you a collector of coins?" she asked

at length, a perceptible coldness in her

"No. I am considered a dispenser of

coins. Still, I rather like the idea of possessing this queer bit of money as a pocketpiece. I intend to keep it forever, and let it descend as an heirloom to the generations that follow me," he said, laughingly. "Why

"Because it comes from the city and country in which I live," she responded. "If you were in a land far away from your own would you not be interested in anything-even a coin-that reminded you of

"Especially if I had not seen one of its kind since leaving home," he replied, in-

"Oh, but I have seen many like it. In my purse there are several at this minute." "Isn't it strange that this particular coin should have reminded you of home?"

"You have no right to question me, sir."

laughed audibly. "I beg your pardon," he said, tantaliz-

ingly. "When did he give it to you?"

"The porter, sir." "You have no right to question me," he

"Oh!" she gasped. "I did not mean to be

"But I grant the right. He gave it me in-"At Denver?"

"How do you know I got on at Denver?" "Why, you passed me in the aisle with your luggage. Don't you remember?" Did he remember! His heart almost

turned over with the joy of knowing that she had really noticed and remembered him. ence of mind, and, the more he thought of Involuntarily his glad fingers closed down it, the more transparent became the ab- upon the gloved hand that lay beneath "I believe I do remember, now that you disheveled hair touching his face so close

speak of it," he said, in a stiffed voice, "You were standing at a window?" "Yes; and I saw you kissing those ladies am ashamed of myself. How much anxiety good-bye, too. Was one of them your wife, or were they all your sisters? I have won- hand, higher up the steep, many lights

dered." "They-they were-cousins," he informed

ers were present. "A foolish habit, isn't it?" "I do not know. I have no grown cous- stacy. "Here, on the other side. Thank late Court ins," she replied demurely. "You Americans | heaven!" have such funny customs, though. Where I He could not speak for the joyful pride live, no gentleman would think of pressing | that distended his heart almost to bursting. a lady's hand until it pained her. Is it nec- | The coach door flew open, and Light-horse essary?" In the question there was a quiet | Jerry yelled:

removed the amorous fingers. of this wagon that I unconsciously gripped | your address-quick?" your hand harder than I knew. You-you | "William Perkins, O---, West Virginny, will not misunderstand my motive?" he ma'am begged, fearful lest he had offended her by

"By Jove, she's beyond comparison!" he thought. "You have explained, and I am sorry I spoke as I did. I shall not again forget how

"Your indebtedness, if there be one, does not deprive you of the liberty to speak to me as you will. You could not say anything unjust without asking my forgiveness, and when you do that you more than pay the debt. It is worth a great deal to me to hear you say that you owe something to me, for I am only too glad to be your creditor. If there is a debt, you shall never pay it; it is too pleasant an account to be settled with | He Also Calls Attention to the Civic 'you're welcome.' If you insist that you owe much to me, I shall refuse to cancel the debt, and allow it to draw interest forever."

"What a financier!" she cried. "That jest was worthy of a courtier's deepest flattery. Let me say that I am proud to owe my gratitude to you. You will not permit it to grow less."

"That was either irony or the prettiest speech a woman ever uttered," he said, warmly. "I also am curious about something. You were reading over my shoulder in the observation car-"

"I was not!" she exclaimed, indignantly.

'How did you know that?" she inconsistently went on. "You forget the mirror in the opposite

side of the car."

"Ach, now I am offended." "With a poor old mirror? For shame! Yet, in the name of our American glass industry, I ask your forgiveness. It shall not happen again. You will admit that you were trying to read over my shoulder. Thanks for that immutable nod. Well, I am curious to know what you were so eager to read."

"Since you presume to believe the mirror nstead of me, I will tell you. There was a dispatch on the first page that interested "I believe I thought as much at the time.

Oh, confound this road!" For half a mile or more the road had been fairly level, but, as the ejaculation indicates, a rough place had been reached. He was flung back in the corner violently, his head coming in contact with a sharp projection of some kind. The pain was almost unbearable, but it was eased by the fact that she had involuntarily he has affiliated with any party.' thrown her arm across his chest, her hand grasping his shoulder spasmodically. "Oh, we shall be killed!" she half

shricked. "Can you not stop him? This is madness-madness!" "Pray be calm! I was to blame, for I had become careless. He is earning his money, that's all. It was not stipulated in the contract that he was to consider the comfort of his passengers." Grenfall could feel himself turn pale as something warm began to

dispatch it was. I read all of them." "You did? Of what interest could they have been?" "Curiosity does not recognize reason."

trickle down his neck. "Now tell me which

"You read every one of them?" "Assuredly." "Then I shall grant you the right to guess which interested me most. You Americans delight in puzzles, I am told,"

"Now, that is unfair."

"So it is. Did you read the dispatch from Constantinople?" Her arm fell to her side the word "traveler" were held to mean suddenly as if she had just realized its po-"The one that told of the French am-

bassador's visit to the Sultan?" "Concerning the small matter of a loan of some millions-yes. Well, that was of interest to me inasmuch as the loan, if made, will affect my country."

"Will you tell me what country you are "I am from Graustark."

"Yes; but I don't remember where that "Is it possible that your American schools do not teach geography? Ours tell us where

the United States are located." "I confess ignorance," he admitted. "Then I shall insist that you study a map, Graustark is small, but I am as proud of it as you are of this great broad country that wait until I again see our dear crags and valleys, our rivers and ever-blue skies, our plains and our towns. I wonder if you wor-

ship your country as I love mine." "From the tenor of your remarks, I judge that you have been away from home for a long time," he volunteered.

"We have seen something of Asia, Australia, Mexico and the United States since we left Edelweiss, six months ago. Now we are going home-home!" She uttered the word so lovingly, so longingly, so tenderly, that he envied the homeland.

There was a long break in the conversation, both evidently wrapped in thought which could not be disturbed by the whirl of the coach. He was wondering how he could give her up, now that she had been tossed into his keeping so strangely. She was asking herself over and over again how so thrilling an adventure would end.

They were sore and fatigued with the strain on nerve and fiesh. It was an experience never to be forgotten, this romantic race over the wild mountain road, the result still in doubt. Ten minutes agostrangers; now-friends at least, neither knowing the other. She was admiring him for his generalship, his wonderful energy; he was blessing the fate that had come to his rescue when hope was almost dead. He could scarcely realize that he was awake. Could it be anything but a vivid fancy from which he was to awaken and find himself alone in his berth, the buzzing, clacking carwheels piercing his ears with sounds so unlike those that had been whispered into them by a voice, sweet and maddening, from out the darkness of a dreamland cab?

"Surely we must be almost at the end of this awful ride," she moaned, yielding completely to the long suppressed alarm, "Every bone in my body aches. What shall we do if they have not held the train?"

ascending an incline, bumping over bowlders, hurtling through treacherous ruts and water-washed holes, rolling, swinging, jerking, crashing. "You have been brave all along; don't give up now. It is almost over. You'll soon be with your friends."

"How can I thank you?" she cried, gripdropped upon hers and closed gently "I wish that I could do a thousand times as much for you," he said, thrillingly, her

were his lips. "Ah, the lights of the town!" he cried an instant later. "Look!" He held her so that she could peer through the rattling glass window. Close at were twinkling against the blackness Almost before they realized how near

had been forgotten. He had kissed Mary | slacken their speed, a moment later com- by preparing for a defense against an at Lyons and Edna Burrage-but their broth- | ing to a standstill. The awful ride was over. "The train! the train!" she cried, in ec-

dignity, half submerged in scorn, so "Here y'are! I made her!" pointed, so unmistakable that he flushed, "I should say you did!" exclaimed Grenturned cold with mortification, and hastily fall, climbing out and drawing her after him gently. "Here's your ten."

"I crave your pardon. It is such a strain | "I must send you something, too, my to hold myself and you against the rolling good fellow," cried the lady. "What is

Lorry was dragging her toward the cars as the driver completed the sentence. Sev-"I could not misunderstand something eral persons were running down the platthat does not exist," she said, simply, form, dimly lighted from the string of car windows. She found time to pant as they sped along:

"He was not Light-horse Jerry, at all!" [To be Continued on Saturday.]

TALKED TO GRAND JURY

JUDGE ALFORD WANTS THE CITY CLERK'S OFFICE INVESTIGATED.

Alliance Charges - Other Court Cases.

The Marion county grand jury convened yesterday, and in giving instructions Judge Alford recommended a thorough investiga- will. tion of the charges that records in the office of the city clerk had been altered. The judge said: "There has been consid- pellant vs. Ferguson, @ N. E. Rep., 674. erable in the newspapers recently about duty to thoroughly inquire into the truth of | the code relating to struck juries do not the charges. And I instruct you that if you of you to vote for the indictment of the guilty person. If the charges are without panel in attendance at court as a struck foundation the investigation will have

It is charged that records in the clerk's reimbursement except by way of recovery tempt to collect "stayed" fines practically ably not begin until Monday, when all of the fail cases will be out of the way. City Clerk Elliott will be required to bring the Clerk Geckler will then be asked to make allowance for such services out of the explanations if any are needed.

Judge Alford also alluded to the charges filed by the Civic Alliance regarding liquor- Dismissed. Comstock, J .- 1. The right of vestigaton should be made. He said: "This court does not desire the indictment of any man except for violation of the law, out no man should be turned loose because

CARRYING WEAPONS.

The Supreme Court's Ruling in a Sullivan County Case.

The Supreme Court yesterday handed down a decision in the case of the State against Herb Smith, appealed from the Sullivan Circuit Court, in which the word "traveler" in the statute relating to the carrying of concealed weapons was defined in an interesting manner. Smith rode fifteen miles by rail from Sullivan to Linton, Ind., and carried a pistol, for doing which he was arrested. The lower court discharged him, but the State appealed in order to make a test case. The Supreme Court, in its decision that Smith was not a traveler within the meaning of the statute, overruled two previous decisions in which it was held that a person driving about the country to carry mail or to buy timber was such traveler. Judge Monks, who pronounced the opinion, said that if any person who travels, no matter over how short a distance, the purpose of the

law to make life more secure would be de-The case of the Southern Indiana Railway Company against James B. Thompson, appealed from the Jackson Circuit Court. was dismissed by the Appellate Court because the judgment being for only \$100 was within the jurisdiction of a justice of the peace, and therefore not appealable to the Appellate Court under the new law. The judgment was taken before the new statute was enacted, but the appeal was not perfected until six weeks after the law peal of the kind to be dismissed by the

Appellate Court. MOTION IN KEITH CASE.

The Murderer's Attorney Wants to

Amend Assignment of Errors he attorneys for Joseph D. Keith, the murderer sentenced to be hung in the State Prison Nov. 17, filed in the Supreme Court | railway Company; damages. Plaintiff dis- ing the battle, but he did not recall what vesterday a motion for leave to amend the assignment of errors made on behalf of Keith. The motion states that the original assignment of errors in the case failed to cuit Court of Gibson county erred in proand also erred in rendering judgment on the verdict against the appellant. The Supreme Court was asked to grant leave to incorporate these assignments of error in the ranscript of the case. Deputy Attorney Generals Hadley and Moores said that it is unusual, although not unprecedented, for appellants to ask to amend their assignments of error. They thought that in the Keith case the action was merely formal, although Mr. Hadley said Keith's counsel may be seeking to raise new questions in their client's inter-"If the Supreme Court grants leave to amend the assignment of errors as Mr. Chappell asks." said Mr. Hadley, "It will not necessarily mean that the case will have to be argued again, either orally or by additional briefs. The legality of the judgment and sentence was fully presented

their brief filed for Keith and also in the argument made orally in his behalf."

Guardian for Alfred Purdue. Application was made to the Circuit Court yesterday by Lemuel G. Purdue, of Kokomo, through W. V. Rooker, his attorney, for the appointment of a guardian of his father, Alfred Purdue, an eccentric character, seventy-five years old, who is now an inmate at the Central Insane Hospital. The court appointed the Security Trust Company guardian. Purdue owns some city property, one piece of which is a very old hotel building at Maryland and West streets, that has sheltered many people who, if now

Henry Lucas Sues. Henry Lucas yesterday sued the streetcar company for \$15,000 damages. He avers

that he was forced to ride on the rear plat-

living, would be considered pioneers.

form of a street car from the fair grounds. "Send for an undertaker," he replied and while his car was standing still another | 16, 9 a. m., in the courthouse, discussion of grimly, seeing policy in jest. They were now | ran into the rear end of it, seriously injur-Compromised for \$450. The damage suit of Charles Daniel, ir. against the street-car company was compromised in Judge Carter's court yesterday for \$450. Daniel was shot in one of the riots

park, for damages. THE COURT RECORD.

at Fairview Park, and brought suit against

SUPREME COURT. 19625. State of Indiana vs. Herb Smith Sullivan C. C. Appeal sustained, Monks . J.-The word "traveler," as used in Section 2009. Burns, 1901, where such person is authorized to carry concealed weapons. intended to designate a person traveling at least such a distance as takes him among

19472. Catherine Brown vs. William Cox. Montgomery C. C. Transferred to Appel-19495. James A. Pritchett et al. vs. Eller

Sheridan. Fountain C. C. Same.

-Minutes .-19694. State of Indiana vs. Charles Hindman and Frank M. Hindman, Greene C. C. Appellees' motion to dismiss and notice for Oct. 18, 1901. 19281. James R. Carnahan et al. vs. Bartlett H. Campbell, receiver, etc. Madison S. C. Appellee's brief on petition for re-

hearing (6.) 19484. State ex rel. Ann E. Wood vs. Consumers' Gas Trust Company, Marion S. C. Appellee's dismissal of assignment of cross errors 19562. Martin E. Wilkinson vs. Board of Children's Guardians of Marion County. Marion C. C. Appellee granted leave to file harmony which has marked the meetings brief. Appellee's brief (8.) of the National Purity convention was 19702, Asbury Teal et al. vs. Elizabeth M. Richardson, Steuben C. C. Appellants'

19655. Joseph D. Keith vs. State of Indiana. Gibson C. C. Appellant's applica-

APPELLATE COURT. 3855. Edith May Hammond vs. William G Croxton et al. Steuben C. C. Reversed. Henley, J.-1. When real estate is given to person, with a devise over to another of what may remain of the gift undisposed of by the first taker at his death, the devise over is void; and, when real estate is given to a person generally with a power of disposition, the person takes an estate in fee, and any limitation over is void for repugproperty in the following language, "I direct that my beloved wife be made my executor and administrator, and that she have full power to bargain, sell, and convey any deed or otherwise as she may see fit, in as full and ample manner as I could do were I living; and after her death, and not until then, the heir, if living, is to have all that part of the property, real and personal, that may be left after my wife's death, and her funeral expenses be paid." Held that the wife took an estate in fee in all the property both real and personal owned by the testator at his death, and she could life clean and the home dispose of said property at her death by 3484. Western Union Tel. Co. vs. Willard curiam. Reversed upon authority of modify and are not affected by the general provisions of law relating to common juries. juror. 3. The party requiring a struck jury must pay as the service is rendered. and there is no means provided for his jury, not by the county, and there is no obligation upon the county to repay this The act of 1875 with reference to the employment of shorthand reporters in counties having a population of 70,000 or more is not applicable to Henry county, and an 3863. Southern Indiana Railroad Company vs. James B. Thompson, Jackson C. C.

appeal is purely statutory. 2. This appeal being within the jurisdiction of a justice of Section 8 of acts 1901, Page 565, "An act concerning appeals." the case is dismissed, the transcript not having been filed in this court when such appeals were permitted 3564. Ote Sheetz vs. State of Indiana. Benton C. C. Affirmed per curiam-no opin-4036. Woodford C. Wood vs. Indiana, etc.,

Association, Knox C. C. Affirmed per

curiam-no opinio 3844. Thomas J. Shannon vs. Edward S. Bonham. Clay C. C. Petition for rehear- tempt ing overruled 3886. Scoffeld et al. vs. Tillie Myers. Marion S. C. Same. 3733. State ex rel. Board Commissioners vs. Henry Cassidy. Dubois C. C. Motion to dismiss postponed till final hearing. Advancement denied. 3618. Midland Railway Company Francis M. Tissel, Madison C. C. Motion

to dismiss postponed until final hearing. Motion for leave to complete transcript granted. Motion for leave to substitute brief overrruled. 4162. Emma Hays vs. Joseph W. Pugh. sheriff to amend return overruled.

4009. Richard H. Timmonds vs. Walter Twomey et al. Floyd C. C. Appellees' 4125. The Pennsylvania Company vs. Enoch Leeman, Boone C. C. Appellee's brief (8.) 4090. George Cheeseman vs. Julia Knapp. Vigo S. C. Appellee's motion to dismiss (3.) Appellee's brief on motion to dismiss (8.) Appellee's brief (8,) 4068. Alfred Guthrie vs. Adda T. How-

for oral argument 3965. Elliott Rariden vs. Esther B. Rariden. White C. C. Confession of error. 3967. Zephariah M. Gossett vs. Richard T. Kirkham et al. Madison C. C. Appel-

land et al. Martin C. C. Appellees' petition

lant's reply brief (8.) 3644. McElwaine-Richards Company vs. John Wall. Tipton C. C. Appellant's statebecame operative. This was the first ap- ment in opposition to petition for exten-3815. Equitable Trust Company of New London vs. Harry J. Milligan, Marion S. C.

Appellant's reply brief (8.) Appellant's brief on assignment of cross errors (8.) SUPERIOR COURT. Room 1-John L. McMaster, Judge, Mayme Roberts vs. Minerva Tribe No. 8. Improved Order of Red Men; appeal from Smock, justice of the peace. On trial

misses at his cost. Room 3-Vinson Carter, Judge. Sarah E. Steppen vs. Thomas M. Mc-Kee et al.; chattle mortgage. Dismissed and E. L. Swift, trustee, vs. Ruby M. King et al.; foreclosure. Dismissed and costs Emma K. Ostander vs. Martha J. Heckman et al.; ejectment. Dismissed and costs Charles Daniel, ir., by next friend, vs. Indianapolis Street-railway Company; damages. Finding and judgment for plaintiff

for \$450. Judgment against plaintiff for

CIRCUIT COURT. Henry Clay Allen, Judge, Bliss, Swain & Co. vs. S. H. Mapes's Estate; claim. Dismissed by claimant. Costs William Jonas vs. Paul R. John et al. to set aside conveyance. Written dismissal filed. By agreement costs taxed to de- Navigator of the Massachusetts Tells fendants Charles W. De Pauw vs. Premier Steel Company; receivership. Intervening netition of American Trust and Savings Bank and

Henry E. Southwell submitted to court. Evidence heard in part. NEW SUITS FILED. First National Bank of Huntington, Ind., vs. William G. Masson et al.; on note. Superior Court, Room 1 William Nelson vs. Nannie Nelson: dicorce. Circuit Court. Harry Lucas vs. Indianapolis Street-railway Company; damages. Demand \$15,000. Superior Court, Room 2 Frederick Haneman vs. Frances Haneman; divorce, Superior Court, Room 2,

Julia N. Shubrick vs. Vincent Asken et

al;; on notes. Superior Court. Room 1. Charities Board Bulletin.

An extra number of the Indiana Bulletin of Charities and Correction was issued tenth annual state conference at South "Educational Institutions," led by R. O. tions," led by Timothy Nicholson, Richmond; Oct. 16, 7:30 p. m., in the Auditorium. discussion of "County Charities," led by Prof. Demarchus C. Brown, of Butler College, Irvington; Oct. 17, 9:15 a. m., in courtdiscussion of "The Insane. ping his arm once more. Again his hand the street-car company, which controls the D. C. Brown presiding, and "Juvenile Charities," committee report by Mrs. Deborah Wall, chairman; Thursday, Oct. 17, 7:30 p. m., in the Auditorium, general subject, "City Charities," W. W. Ross, of Evansville, chairman.

Grocers' Association Meeting.

strangers with whose habits, conduct and 17 to discuss matters of interest to the as- in my hearing and presence: 'Gentlemen, trial resulted in the general investigation character he is not acquainted, where un-character he is not acquainted, where un-known dangers may exist, from which from each local association present and white. I think we had better get out of woman who started the investigation which You would have me appear ungrateful her, confusedly, recalling an incident that they were to the lights, the horses began to there may be a necessity to protect himself the meetings will begin at noon on Oct. 16. I this.' Commodore Schley left the forward | resulted in his release,

AND RUFFLED THE TEMPER OF PURITY CONVENTION DELEGATES.

Chicagoan Who Is Opposed to Isms and Schisms-Too Many "Anti This and That" Leagues.

CHICAGO, Oct. 9.-Perfect accord and

considerably ruffled by Dr. Jenkin Lloyd Jones, of Chicago, who to-night announced himself as being opposed to isms and tion for leave to amend assignment of schisms and distinctive organizations in Christian effort, and declared that the work of these associations was properly says: 'His manner was that of a comwork of these associations was properly imate drama and the various kinds of athletic sports, and at the same time denounced Sunday golf and the desecration of Memorial day by century bicycle runs and races. Dr. Jones was on the programme to deliver an address on "Moralizing and Where a testator devised his Demoralizing Amusements." He said any amusement that was elevating was moralizing, and any that was degrading was demoralizing. He followed Prof. Frank V. or all of my property, real or personal, by Irish, of Columbus, O., president of the National Anti-cigarette League, and said: "People are organizing and organizing until they are becoming lost in their organi- | ning tower; secondly, his stating that at zations. The Anti-cigarette League and the | a distance of five to six miles men standanti-this and the anti-that league is an ing on the forward thirteen-inch turret accusation against the church of God. The | were conspicuous objects." churches must be called back to their primary business, that of making tower?" That was the message of the Lord Jesus Christ. Yes, I am opposed to the cigarette, but I do not intend to wait un-Maddux. Lawrence C. C. Reversed per til I am a member of your organization knowledge and belief he did not. He was before I open fire on it. I am for temperance, but I do not propose to wait until I 3894. Board of Commissioners vs. Board find out whether or not I am in good standof Commissioners. Delaware C. C. Re- ing in the Good Templars before I begin | protects the manhole in the conning tower, alterations in public records. It is your versed. Black, C. J.-1. The provisions of war on this vice. My church is an anticigarette society. My church ought to be a temperance society Methods for abating social evils and placdiscover mutilation of any public record, 2. A struck jury is a special privilege of a ling the human race on a higher level of under a tremendous mental strain. city or county, it is the duty of every man party to an action for which he must pay purity were discussed during the day. "Have you ever been under any mental the fees for striking it, and \$1.25 each day to | Charles L. Plymate, of Crawfordsville, Ind., | strain in time of battle?" each one of the sixteen members of the spoke of "Neglected Factors in the Problem of Life;" Rev. Jesse Jones, of Halifax, Mass., read a paper pointing out cures for the social evil; Mrs. Manetta Tinney, of Kirwin, Kan., discussed "The Purity Probem," and Hattie A. Schwendener, M. D., of Joseph, Mich., laid great stress on "An nearly pure race. Mme C. Klerck read an interesting paper der the caption: "Abo- When he left the ship he called it a 'reconlitionist and Rescue Work in Holland and | noissance,' drawing the fire of the batteries Java," with both of which problems she is and developing their weakness or strength. familiar. Charles A. Mitchell, of Marionville, Mo., argued earnestly for parental watchfulness over boys in the period when their characters are forming. A paper enwas read by W. A. Coote, of London, Other speakers were Frank Moss, of New York; Mrs. Emma F. A. Drake, of Denver; Dr. Carolyn Geisel, of the rescue department. W. C. T. U.; J. B. Caldwell, Rev. Dr. Wil-

SCHLEY'S CONDUCT.

H. Richards, of Chicago; Mrs. Hattie

Dickson, Marshalltown, Ia.; Dr. Mary

S. Dyer, late of Bombay, India.

(CONCLUDED FROM FIRST PAGE) sers to rain any of the vessels of the American squadron

"I observed that there was no such at When the judge advocate had concluded his interrogatories Mr. Rayner began his cross-examination with an effort to introduce certain signals which had passed between the Indiana and Admiral Sampson's flagship, the New York, in the early morning of July 3, 1898. Captain Lemly made immediate objection, and Mr. Rayner presented an earnest plea to be allowed to read the signals. He was not permitted at that time to do so, but it is stated that the signals which he desired to introduce as having been sent from the New York to the Indiana were dated at 8:15 a. m. of that or not Cervera's squadron was in the har-Hancock C. C. Motion for order requiring day, and was an invitation from the flagship to accompany her to Siboney, while The admiral's invitation was wig-wagged by Captain Chadwick and was as follows: The admiral wishes to know if you will join him this morning in going to see Gen-To this Captain Taylor reeral Shafter." plied at 8:27; "Work aboard ship previously going on prevents me from going with you

> Mr. Rayner contended that the signals were among the most important occurrences of the day prior to the time that the command of the fleet devolved upon Commodore Schley. replied that, under pre-Captain Lemly vious rulings of the court, the reading of the signals was clearly inadmissible. He. however agreed that he would consult with Mr. Rayner, and that, if after this consultation the question including the reading of the signals should appear proper. Admiral Taylor could be recalled and the question asked. To this Mr. Rayner connted and the court took a recess for

At the afternoon session of the court Admiral Taylor said that on the morning of the battle of July 3 the Indiana had sig-"The enemy is escaping." The Indiana was, he said, at that time always cleared for action. He had, he said, personally seen the Brooklyn while on her southern detour, commonly known as "the The witness recounted the signals nide by the Indiana during the battle. He Ralph Patterson vs. Indianapolis Street- also had seen signals from other ships dur-

> they were. Mr. Rayner also questioned as to the relative value of the stadimeter and the sextant in ascertaining distances at sea. He said he regarded the stadimeter accurate to the extent that it is used. The court asked only one question of Admiral Taylor, as follows: "Was the Inliana in such position in reference with the Brooklyn and the enemy's ships just after they cleared the entrance of the harbor that you could form a fairly correct estimate of the distance between them?" The reply was: "At the time mentioned there was but two occasions when the smoke permitted me to see the Brooklyn

came out of the harbor. Admirai Taylor was then excused. LIEUT. COM. T. M. POTTS.

distinctly. I could not, therefore, say what

was the distance between the enemy and

the Brooklyn just after the Spanish fleet

of Schley's Bearing. Lieutenant Commander T. M. Potts, who was navigator of the Massachusetts, was next called. Commander Potts said that during the blockade off Santiago the distance observed by the flying squadron was gations on some important subject in harbor. At Cienfuegos the distance out was from four to five miles, with an increase of the distance at night.

the Massachusetts on May 31, the day of the bombardment of the Colon, when Com- and Samuel Spencer, president of the modore Schley had used the vessel as his conversation on that occasion the witness said: "When Commodore Schley came on board I heard him say: 'Higginson, I am | \$1,461,143 was expended for construction yesterday, giving full information about the going in with you and the lowa and present the Colon with your big guns. I want to fire deliberately. Admiral Sampson will Bend Oct. 15-17. The principal features of be here to-morrow morning, and I wish to he programme are: Oct. 15, 7:30 p. m., in destroy the Colon, or words to that effeet. After that there was a conversation arrested here in connection with an aithe Auditorium, annual address of Thomas between Commodore Schley and the com- leged shortage of nearly \$100,000, which E. Ellison, president of the conference; Oct. | manding officer of the ship as to when we | came to light after his disappearance from would go in, and it was determined that we | Sandusky eight months ago, will not reallow the men to go to dinner and go in sist extradition, but will leave for the afterward, which we did. Later on, about | United States next Saturday. He says he Johnson, superintendent of Institute for 1 o'clock. I think, while on the port bridge can explain the discrepancy in his accounts. Education of Deaf and Dumb, Indianapolis, just abaft the pilot house, I was present at also discussion of "Correctional Institu- a conversation between Commodore Schley and Captain Higginson, in which the question of where the ship was to be fought was under discussion. Commodore Schley asked Captain Higginson what position he intended to take. He replied: 'I think the Yes. I think that is wisest." DID NOT WANT TO BE SHOT.

> "Shortly after this Commodore Schley and his staff, the captain and myself went down to the conning tower on the forward thirteen-inch turret. Commodore Schley, Commander Schroeder, I think Commodore

thirteen-inch turret and took his place on the small platform on the lee side of the conning tower. Captain Lemly-At what stage of the ac-

tion was this? "As we were steaming in toward the entrance before we had turned to the east-

Captain Lemly-Did you hear any further conversation? "I heard the conversation when Commodore Schley was leaving the ship, in which he stated that he was satisfied with the

reconnoissance he had made in drawing the fire of the batteries, or in words to that effect. Captain Lemly-What was the bearing and manner of Commodore Schley during

the engagement of the 31st, to which you have already referred? "His bearing and manner was that of a man who was suffering under extreme mental excitement, as one who had a disagreeable duty to perform, and performed it reluctantly, and tried to get through it as soon as he could."

Mr. Rayner then began his cross exam-

ination. "Who was the captain of your ship?" he asked "Francis J. Higginson." "I want to read you what Captain Higginson says about Commodore Schley's manner and bearing on that occasion. He pression in your mind from what he left

on Captain Higginson's mind?" Apparently "Had Captain Higginson opportunity to

observe him on that occasion?" 'Not as well as I did.' "Why was that? "Because Captain Higginson was in the conning tower and I was outside."

"Did not Captain Higginson have any

conversations with the commodore at that "From time to time, yes." "What do you mean by 'mental excite-

"I quoted conversations that I had. The first thing was the apparent anxiety of Commodore Schley about using the con-"Did the commodore use the conning UNDER MENTAL STRAIN.

"I did not see the commodore go into the conning tower. To the best of my outside the conning tower and between the conning tower and the heavy plate that My preconceived idea of Commodore Schley previous to that occasion was so entirely different from the impression I received on that day I concluded that he certainly was

"I have been scared "Have you any other facts from which you base your statement to the court that he was laboring under mental excitement except the facts which you have given?" When Commodore Schley came on board the Massachusetts he stated in disin rearing a more | tinct terms that he was going in to destroy laboring under great mental excitement?" "From that and from circumstances I have already stated from my observation of him from the time he came on board the

ship until he left.'

could be put in.

fact that when he entered into the engagement he was under the regulations of the navy not to engage shore batteries if there llam White, Dr. Ernest L. Hayford and was any danger of the shore batteries crippling the ships would you say, if you knew of that, that he was still laboring Wood-Allen, Ann Arbor, Mich., and Helen | under great mental excitement?" "I cannot answer that, Captain Lemly objected to the introduction of the Navy Department's orders as evidence, but the court decided that they

The witness said on further examina-

"Suppose you were made aware of the

tion that Lieutenant Commander Schroeder, Lieutenant Sears and Lieutenant Wells had been present during the bombardment of the Colon when Commodore Schley had remarked that as they were conspicuous objects on the thirteen-inch turret it would be better to move away. The court asked questions as follows:

"Can you give the distance the large vessels were from the entrance to Cienfuegos on the early morning of either the 22d or 23d of May "I do not recollect being any nearer that I have said-four or five miles. I measure the distances there. What efforts were made by the vessels

of the flying squadron prior to the arrival of the Marblehead to determine whether bor of Cienfuegos? RANGE OF GUNS. "None that I ever knew of." Referring to the range of the guns for that day Commander Potts said the range given previous to entering the engagement was 7,000 yards, but he had increased it to 7,800 yards, then to 9,000 yards and finally to 10,000 yards, Only one shot which had been fired at the American fleet had impressed him as being at all dangerous. That fell near the

Massachusetts. Soon after that the com-

modore had given the order: "Put your

He said he had seen no shore batteries at

Cienfuegos, Commander Potts was then

helm to starboard and let's get out of this.

excused and Lieut, E. F. Leiper called. served on the New Orleans during the Spanish war and told of the participation that vessel in the bombardment of the Colon May 31 He described that engagement, saying that the first shot from the Massachusetts had fallen outside the Morro, and, notwithstanding the range was increased, all of the shots fell short of the Colon. There were, he said, no orders either to fire at or make observations of the batteries. But, notwithstanding this, he did fire at the eastern batteries on his own responsibility. He had personally aimed the guns, but the line of earth could be seen. Neither guns nor men were discernible. One shot from the enemy fell thirty or forty yards from the New Orleans. The projectile was so small that he had been surprised that it reached such a range. All tol of his vessel upon the Colon had not consumed more than six minutes. He thought all the shots from the American ships had fallen short of the Colon. The witness said he had seen no evidence of the presence of large or powerful guns in the shore batteries, and was of the opinion there were none to exceed six inches in caliber. The witness said he had secured his most accurate idea of the strength of the shore batteries by the fact that on June 14 the New Orleans had approached to within 1,-

Lieutenant Leiper was still on the stand when the court adjourned for the day.

650 yards of them, remaining for twenty

minutes, and silencing them after four or

Rockefeller's Institute. NEW YORK, Oct. 9 .- The Tribune will say to-morrow: "A tentative working plan has been adopted by the officers of the Institute for Medical Research founded by John D. Rockefeller, by whom it was enlowed with \$200,000. It follows: To expend \$20,000 a year, divided so as to provide for forty scholarships. To make appointments for one year. To have candidates recommended by heads of various laboratories to the board of directors. To choose only persons pursuing, or about to pursue, investi-

Western Union Annual Report. NEW YORK, Oct. 9.-The annual meet-

ing of the Western Union Telegraph Com-

pany was held here to-day. Stuyvesant

Southern Railway, were elected to the di-

Fish, president of the Illinois Central road,

pathology, bacteriology or hygiene."

rectory. The gross earnings for the year flagship. Detailing Commodore Schley's were \$26,354,151, an increase of \$1,595,582. The expenses were \$19,669,902, an increase of \$1,075,696, and the net earnings were \$6,685,* 249, an increase of \$519,886. During the year Miller Says He Can Explain. HAVANA, Oct. 9 .- A. W. Miller, former city clerk of Sandusky, O., who has been

Tenth Since 1859.

Special to the Indianapolis Journal.

BUFFALO, N. Y., Oct. 9 .- The Pan-American jury of awards to-day announced their decision to give the highest honors to the Buffalo Scale Company for weighing machinery. The company states that the Pan-American is the tenth exposition since 1859 to award them the first prize, John Ross Married.

John Mroz, who is also known by the

name of John Ross, was married yesterday morning to Miss Emma Pohlman. Mrez is the man who was, under the name of John Ross, sent to the insane asylum and later released by Judge Leathers. The court